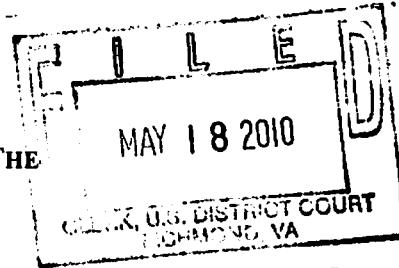


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Richmond Division



Christopher Bush and David Bush,)
Plaintiffs,) Civil Action No: 2:07-cv-4936
v)
Kenneth Hill,) (Pending in the
Steven J. Ignatz,) United States District Court for the
Sergeant Tripp,) Eastern District of Pennsylvania before
Defendants) the

) Honorable Mary A. McLaughlin)

MOTION TO QUASH
OR IN THE ALTERNATIVE FOR
PROTECTIVE ORDER AND TO MODIFY SUBPOENA DUCES TECUM

COME NOW Isara Isabella Serene ("Serene"), pursuant to Federal Rule of Civil Procedure 45(c)(3), through her undersigned attorneys, respectfully moves this Court to:

- (1) Quash Plaintiffs' subpoena *duces tecum*, or in the alternative;
- (2) Modify the Subpoena and enter a Protective Order that prevents the Plaintiffs from seeking confidential information of a non-party witness and limit the scope of the deposition to Serene's involvement with Defendants Hill, Ignatz, and Tripp;
- (3) Impose an appropriate sanction on Plaintiffs, including Serene's reasonable costs and expenses in responding to the subpoena *duces tecum*, and the preparation of this Motion.

The grounds supporting this Motion are as follows:

1. Plaintiffs filed the above-captioned case in the Eastern District of Pennsylvania on November 26, 2007, now docketed as 07-cv-4936 and set before the Honorable Mary A. McLaughlin.
2. Plaintiffs listed both Pennsylvania law enforcement, Virginia law enforcement, and Sara Nicole Bush n/k/a Isara Isabella Serene as Defendants in a civil rights action pursuant to 42 U.S.C. § 1983.
3. Isara Isabella Serene (“Serene”) filed a motion to dismiss for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim.
4. Judge McLaughlin granted the motion to dismiss the complaint for failure to state a claim against Serene, but granted Plaintiffs’ leave to amend their complaint.
5. Plaintiffs amended their complaint, wherein the relevant dates alleged in the Amended Complaint begin on October 13, 2006 and end on October 26, 2006. (See Exhibit I)
6. The relevant dates in the Amended Complaint began when the Plaintiffs took the children without proper legal process or notice from Serene on October 13, 2006, through the date the children were returned to Serene, by way of legal process, on October 26, 2006. (See Attached Affidavit ¶¶ 16, 17, 18)
7. Serene filed another motion to dismiss for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim. (See Exhibit J)
8. On January 28, 2009, Judge McLaughlin granted the motion based on lack of personal jurisdiction over Serene.

9. On October 23, 2009, Pro Se Plaintiff David Bush filed a federal civil rights law suit in the Eastern District of Virginia against Serene. (See Exhibit E)
10. The case was docketed as *Bush v Adams* 3:09-cv-00674 and assigned to the Honorable Richard L. Williams.
11. On January 7, 2010, Serene filed a motion to dismiss the complaint for failure to state a claim and failure to file the complaint within the statute of limitations.
12. On February 22, 2010, Judge Williams granted the motion to dismiss, but gave Pro Se Plaintiff David Bush leave to amend. (See Exhibit F)
13. On February 22, 2010, Judge Williams also issued a "Ghost-writer Warning" stating that attorneys ghost writing briefs on behalf of Pro Se Plaintiff David Bush were unethical. (See Exhibit F, ¶ VII.)
14. On March 24, 2010, Judge Williams issued an order dismissing Plaintiff's Complaint for lack of prosecution. (See Exhibit G)
15. On or about April 26, 2010, Plaintiffs' Counsel in this action, Brian Puricelli, advised Counsel for Serene that he wanted to depose Serene for the Pennsylvania case docketed: *Bush v Adams* 2:07-cv-04936.
16. Counsel discussed the time of the deposition, if third parties would be present, and location of the deposition.
17. On May 7, 2010, Counsel for Serene received a subpoena *duces tecum*, ordering that Serene produce information "All records relating to the arrest of David Bush, the disposition of the arrest, and contact with Isara Isabella Serene, and the natural children of David Bush. Also, all records related to

the change of name and social security number of the natural children between David Bush and Isara Isabella Serene.” (See Exhibit A)

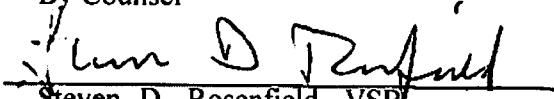
18. Attorney Puricelli never disclosed he was serving a subpoena that required the production of documents.
19. Counsel for Serene asked about the relevance of the documents and if Counsel would enter into an agreement to seal the documents for attorneys' eyes only.
20. Counsel for Serene also asked that Serene's deposition be for attorney's eyes only.
21. Attorney Puricelli agreed to a confidentiality provision regarding the requested documents, but refused the latter request to keep Serene's deposition for attorney's eyes only.
22. Plaintiff David Bush has a long history of assaulting, harassing, and stalking Serene. (See Attached Affidavit in Support of this Motion, ¶¶ 5, 9, 14, 28)
23. Plaintiff David Bush has a history of using litigation as a means of harassment and stalking Serene. (See Attached Affidavit ¶¶ 24, 30, 42)
24. Plaintiff David Bush has a history of trying to secure the documents he seeks in the Subpoena *Duces Tecum*. (See Attached Affidavit ¶¶ 20, 21, 22)
25. Serene believes Plaintiff David Bush will use the deposition to continue his campaign of stalking, and using litigation to harass and annoy her.
26. Serene believes Plaintiff David Bush will use the subpoenaed documents to further his personal goals of harassment of Serene.
27. Serene has no information that is likely to lead to admissible evidence at trial.

28. Virginia Judge Herbert Gill sealed the name change records on December 2004 and Plaintiff David Bush attempted and failed to secure the records. (See Attached Affidavit ¶¶12, 20, 21)
29. Serene filed for the social security number changes with the expectation of privacy and so that Plaintiff David Bush would stop stalking her and the children. (See Attached Affidavit ¶¶ 13, 14, 15)
30. Plaintiffs' subpoena *duces tecum* is intrusive and unduly burdensome on Serene.
31. If Serene is forced to testify at the deposition without protection from the court, Plaintiffs' counsel will share my deposition with Plaintiff David Bush, resulting in more information he can use to stalk and harass Serene.

WHEREFORE, Serene respectfully requests that the Court quash Plaintiffs' resulting subpoena *duces tecum*, or in the alternative modify the subpoena and issue a protective order limiting the scope of the deposition and modifying the subpoena *duces tecum* to a subpoena.

Respectfully Submitted,

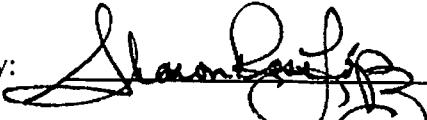
Isara Isabella Serene
By Counsel


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Application for Admission Pro Hac Vice Pending

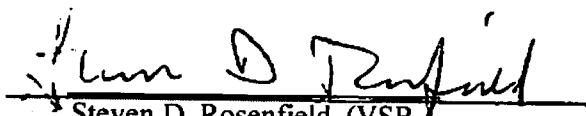
CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2010, I filed the foregoing with the Clerk of Court by United States Post, and by regular first class mail and email to the following:

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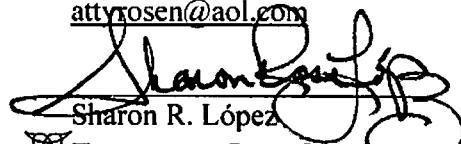
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